

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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|--|---|---------------------|
| ESTATE OF SHAWN MORCHO <i>Plaintiff</i> | : | CIVIL ACTION |
| | : | |
| | : | |
| v. | : | NO. 22-3245 |
| | : | |
| YEADON BOROUGH, et al. <i>Defendants</i> | : | |

ORDER

AND NOW, this 2nd day of January 2024, upon consideration of Defendants’ motion to dismiss, (ECF 41), Plaintiff’s response in opposition, (ECF 43), Defendants’ reply, (ECF 44), and the allegations in the third amended complaint, (ECF 38), it is hereby **ORDERED**, for the reasons set forth in the accompanying Memorandum Opinion,¹ that:

- (1) Defendants’ motion is **GRANTED** with respect to all claims asserted against Defendants Burns, Ingram, Cesanek, Houghton, and Scheerle at Counts I III, IV, V, and VI of the third amended complaint;
- (2) Defendants’ motion is **GRANTED** as to all claims asserted against Defendants Barr, Tokonitz, and Stephens at Count I of the third amended complaint premised on the state-created danger theory;
- (3) Defendants’ motion is **GRANTED** as to all claims asserted against asserted against all Defendants at Counts III, IV, and VI of the third amended complaint; and
- (4) Defendants’ motion is **DENIED** with respect to the claims asserted against Defendants Barr, Tokonitz, and Stephens at Counts I and V, premised on the deliberate indifference/reckless indifference theories.

BY THE COURT:

/s/ Nitza I. Quiñones Alejandro

NITZA I. QUIÑONES ALEJANDRO

Judge, United States District Court

¹ Since Defendants did not move to dismiss Plaintiffs’ Fourteenth Amendment claim against Defendant Barr at Count I nor the *Monell* claim against Yeadon Borough at Count II of the third amended complaint, these claims also remain.